

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

AARON BROUSSARD,	:	Civil No. 1:20-cv-2180
	:	
Petitioner,	:	
	:	
v.	:	
	:	
UNITED STATES OF AMERICA,	:	
	:	
Respondent.	:	Judge Sylvia H. Rambo

ORDER

Before the court is a report and recommendation of the magistrate judge in which he recommends that Petitioner Aaron Broussard's petition for writ of habeas corpus be summarily dismissed as the petition seeks to litigate claims relating to an active, on-going criminal case pending before another judge of this court. (Doc. 5.) Objections to the report and recommendation were due on December 7, 2020, and to date, no objections have been filed.

In considering whether to adopt a report and recommendation when no objections have been filed, the court should, as a matter of good practice, "satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." Fed. R. Civ. P. 72(b), advisory committee notes; *see also Univac Dental Co. v. Dentsply Intern., Inc.*, 702 F. Supp. 2d 465, 469 (M.D. Pa. 2010) (explaining that judges should review dispositive legal issues raised by the report for clear error). Following an independent review of the record and upon a careful

review of the report and recommendation, the court is satisfied that the report and recommendation contains no clear error and will therefore adopt the recommendation. Accordingly, **IT IS HEREBY ORDERED AS FOLLOWS:**

- 1) The report and recommendation (Doc. 5) is **ADOPTED**;
- 2) Petitioner's motion for leave to proceed *in forma pauperis* is **CONDITIONALLY GRANTED** (Doc. 3);
- 3) The petition for a writ of habeas corpus (Doc. 1) is **DENIED** as both premature and procedurally improper;
- 4) The Clerk of Court is **DIRECTED** to close this file; and
- 5) Any appeal taken from this order is deemed frivolous and not in good faith.

s/Sylvia H. Rambo
United States District Judge

Dated: January 7, 2020